

Fax-on-Demand
Telephone: (202) 401-0527
Item No.: 6127

DRAFT OF 22 MAY 2000

Date

PESTICIDE REGISTRATION (PR) NOTICE 2000-X

NOTICE TO MANUFACTURERS, PRODUCERS, FORMULATORS, AND REGISTRANTS OF PESTICIDE PRODUCTS

ATTENTION: Persons Responsible for Federal Registration and Reregistration of
Pesticide Products

SUBJECT: Disposal Instructions on Residential/Household Use Pesticide
Product Labels

This notice provides revised guidance for the development of disposal instructions for residential/household use pesticide product labels. To avoid conflict with state and local waste programs, EPA is deferring to the decisions of localities on disposal of these types of products since they are responsible for the waste management programs that handle them.

This notice is directed to registrants of residential/household use products. Registrants using the revised disposal statements provided in this notice may add the disposal statements to their labels by notification. Registrants who wish to use different statements should submit an amendment. Registrants should amend their labels or submit amendments to EPA by October 1, 2001. The statements in this notice are not intended for non-residential/non-household use (e.g., agricultural, commercial, or industrial use) pesticide products.

I. BACKGROUND

A. Existing Guidance Concerning Pesticide and Container Disposal Instructions on Pesticide Labels

Since the early 1980's, the Agency has directed that products intended for residential or household-use-only contain the following, or a similar, disposal instruction: "Securely wrap original container in several layers of newspaper and discard in trash." In addition, the Agency required certain products to bear additional statements such as, "Do not reuse bag. Discard bag

Fax-on-Demand

Telephone: (202) 401-0527

Item No.: 6127

DRAFT OF 22 MAY 2000

in trash.” (PR Notice 83-3). These disposal instructions were developed to be consistent with the Resource Conservation and Recovery Act’s (RCRA) exclusion of household solid wastes from regulation as hazardous wastes, regardless of the characteristics of the household wastes.

Fax-on-Demand

Telephone: (202) 401-0527

Item No.: 6127

DRAFT OF 22 MAY 2000

B. Disposal Instructions and the Consumer Labeling Initiative

EPA began the Consumer Labeling Initiative (CLI) in 1996 to foster pollution prevention, empower consumer choice, and improve consumer understanding of safe use, environmental, and health information on household consumer product labels, including indoor insecticides, outdoor pesticides, and household hard surface cleaners. To achieve this goal, the CLI conducted consumer research, with its project Partners, to identify how to provide consumers with clear information on product labels.

During Phase I of the CLI research, the Agency discovered that states and localities often direct the disposal of residential/household use pesticides to their local household hazardous waste (HHW) management facilities or programs rather than to landfills. While some HHW management programs are based on State laws, more frequently municipal codes, local practices and educational programs have been developed that tell consumers what to do with these materials. Understandably, the differences in disposal instructions may confuse consumers, complicate local educational efforts, and interfere with state and local responsibilities. Consensus could not be reached by the CLI partners on revised disposal language, so this issue was removed from the CLI project and is being addressed through this PR Notice process instead.

Current language also does not promote EPA's pollution prevention and waste management goals of source reduction, reuse, and recycling. Other parts of EPA, for example, the Office of Solid Waste (OSW) and the Office of Water (OW), direct consumers to contact local authorities. While in the early 1980's, there were only 30 local household hazardous waste (HHW) programs, by 1997 there were over 3,300 such programs and collection events. Encouraging greater use of local collection events by revising residential/household pesticide product labeling can reduce inadvertent exposure of consumers and sanitation workers, and accidental release to the environment.

II. IMPLEMENTATION OF REVISED DISPOSAL INSTRUCTIONS FOR RESIDENTIAL/HOUSEHOLD USE PESTICIDE PRODUCTS

A. EPA is specifying revised disposal instructions for *partly filled* residential/household indoor and outdoor use pesticide products that are not antimicrobial pesticides, and is also recommending revised disposal instructions for *empty* containers of all residential/household use pesticide products. EPA may in the future issue instructions for residential/household use antimicrobial products. For now, EPA recommends the following statement: Tightly fasten the lid

Fax-on-Demand

Telephone: (202) 401-0527

Item No.: 6127

DRAFT OF 22 MAY 2000

on the container and place in trash.

B. For guidance on developing appropriate recycling statements, registrants should consult the Federal Trade Commission (FTC) website at “www.ftc.gov/”; then select 1) “consumer protection”; 2) “environment”; 3) “Guides”; and, 4) “Guides for the Use of Environmental Marketing Claims (Green Guides). These Guides contain FTC guidance for developing appropriate recycling statements on various types of products and containers.

C. Disposal Instructions

1. Aerosol Products

Replace cap. Do Not Incinerate or Puncture!

If empty: Place in the trash [or insert recycling statement here].

If partly filled: Call your local solid waste agency or [1-800-CLEANUP or an equivalent organization] for disposal instructions. Unless otherwise instructed, place in the trash.

2. Non-Aerosol Products

If empty: Do not reuse this container. Do not rinse unless required for recycling. Place in trash [or insert recycling statement here]

If partly filled: Call your local solid waste agency or [1-800-CLEANUP or equivalent organization] for disposal instructions. Unless otherwise instructed, place in the trash. Never pour unused product down the drain or on the ground.

III. WHAT CHANGES ARE BEING MADE

A. Addition of phrase “call your local solid waste agency”

The existing instructions in previous PR notices do not adequately support EPA’s waste management goals of source reduction, reuse, and recycling. Furthermore, different types of products may require different types of disposal. This phrase is being added to the disposal instructions to encourage consumers to contact their local waste management programs in order to receive proper instructions on how to dispose of the product. Reducing the disposal of residential/household pesticides through trash collection will reduce potential exposure to sanitation workers. An added benefit is that it indirectly supports the efforts of localities which

Fax-on-Demand

Telephone: (202) 401-0527

Item No.: 6127

DRAFT OF 22 MAY 2000

have educational programs informing consumers how to dispose of these products through household hazardous waste (HHW) collection facilities or events.

B. Addition of a toll-free number

The authorities that manage household waste programs are designated in many different ways and usually operate only during normal business hours. A 24-hour toll-free number and web site address help consumers locate their local authorities conveniently. The Agency's intent is to provide accurate information to consumers. In so doing, EPA has evaluated possible toll-free information numbers such as 1-800-CLEANUP which provides accurate information to consumers and is receiving continuous funding and resources. 1-800-CLEANUP collects information from state and local organizations around the country concerning the resources available in their areas for the recycling and/or disposal of household wastes, both hazardous and non-hazardous. This information is made available by zip code. The Agency believes that this organization meets the applicable agency requirements and/or standards for providing information regarding the proper disposal of these products. Therefore, EPA is recommending that the 1-800-CLEANUP number, or an equivalent organization which provides such information, should be included in the disposal instructions.

C. Removal of phrase "wrap in paper"

Consumers were originally instructed to wrap containers in paper in order to reduce potential exposures to sanitation workers. Heavy layers of paper may prevent some container breakage and absorb modest leaking from broken containers. However, the product can still leak through the paper if the container is broken and sanitation workers will not know what is under the paper. On balance, wrapping of containers discarded in the trash does not appear to provide reliable protection to sanitation workers and may result in accidental and unknowing exposure.

D. How to Determine if a Product is a "Residential/Household-Use Product"

For purposes of this notice, the Agency considers a pesticide product to be a residential/household pesticide product, regardless of the size of the container, if the following criteria are met:

- 1) the intended end use of the product is in or around a household or residence by the resident; or,
- 2) the product is regularly available to household consumers for purchase, regardless of

Fax-on-Demand

Telephone: (202) 401-0527

Item No.: 6127

DRAFT OF 22 MAY 2000

where it is purchased; and,

3) the product label does not contain any of these or similar statements: “for agricultural use only”; “for institutional use only”; “for commercial use only”; or, “for professional use only.”

Previously, such products were partially defined in PR Notice 84-1 as those marketed in containers of 1 gallon or less for liquids (except for bleach products which could be up to 1½ gallons) and 5 pounds or less for dry material (except for lawn fertilizer-herbicide products which could weigh up to 25 pounds). It is common for some products, such as pool chemicals or fertilizer/herbicide combinations intended for residential/household use, to be packaged in larger sizes (economy size/bonus packs, etc.). Consequently, the limits described by PRN 84-1 are no longer representative of the residential/household market, and no longer apply with respect to defining residential/household use products subject to this notice.

IV. WHAT REGISTRANTS AND APPLICANTS SHOULD DO

A. Use Standard Label Statements

Registrants and applicants for registration should use the standard label statements in Section II of this PR notice. It is the registrant’s responsibility to ensure that each product bears EPA-approved text in its disposal instructions. If a registrant believes that an alternate text is more appropriate, the company should submit an amendment to the Agency with the proposed text. If the amendment is approved, the company may then use the alternate text.

B. Timing

EPA will begin using these statements immediately in reviewing all applications for registration and reregistration programs. Registrants should incorporate these label changes as soon as possible. It is EPA’s goal to have all residential/household use product labels reflect the revised disposal instructions for empty containers by October 1, 2001. For the disposal instructions for partly filled containers, EPA’s goal is to have all non-antimicrobial, residential/household indoor and outdoor use product labels reflect these revised disposal instructions by October 1, 2001.

C. Submission of Notifications or Applications

1. Registrants of products subject to this notice should take either of the following

Fax-on-Demand

Telephone: (202) 401-0527

Item No.: 6127

DRAFT OF 22 MAY 2000

actions:

(a) Registrants adopting the exact (word for word) label statements specified in this notice should submit a notification for each product with a completed Application for Registration (EPA Form 8570-1) and one copy of the label highlighting the change. A photocopy of the EPA application form is acceptable; an original form is not needed. The application should bear the following statements:

"Notification of label change per PR Notice _____. This notification is consistent with the provisions of PR Notice _____ and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice _____ and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA."

(b) Registrants who wish to modify the label statements specified in this PR Notice or to present alternative label statements should submit an application for amended registration in accordance with the provisions of this Notice, and EPA regulations at 40 CFR 152.44. This application should include the following items: EPA application form 8570-1 (completed), two copies of the draft label highlighting the changes, and a description on the application, such as, "Responding to PR Notice _____."

2. Registrants should send notifications and applications for amendment to the appropriate following address:

U.S. Postal Service Deliveries

The following official mailing address should be used for all correspondence or data submissions sent to OPP by mail:

Document Processing Desk (AMEND) or (NOTIF) [as applicable]
Office of Pesticide Programs (7504-C)
U.S. Environmental Protection Agency
Ariel Rios Building

Fax-on-Demand

Telephone: (202) 401-0527

Item No.: 6127

DRAFT OF 22 MAY 2000

1200 Pennsylvania Ave., NW
Washington, D.C. 20460-0001

Personal/Courier Service Deliveries

The following address should be used for all correspondence or data submissions that are hand-carried or sent by courier service Monday through Friday, from 8:00 AM to 4:30 PM, excluding Federal holidays:

Document Processing Desk (AMEND) or (NOTIF) [as applicable]
Office of Pesticide Programs (7504-C)
U.S. Environmental Protection Agency
Room 266A, Crystal Mall 2
1921 Jefferson Davis Highway
Arlington, Virginia 22202

D. Existing Stocks

After registrants have notified the Agency, or amendments have been approved, registrants and supplemental registrants will generally have up to eighteen (18) months from the date of the notification or approval, to distribute and sell products bearing old labeling. Persons other than the registrant and supplemental registrants may continue to distribute or sell products bearing old labeling in the existing channels of trade.

E. PR Notices Superseded

For residential/household use non-antimicrobial products, this notice supersedes the following PR Notices:

- (1) PR Notice 83-3, disposal instructions for household products shown in paragraph B.3.
- (2) PR Notice 83-3, the container disposal instructions for household products shown in paragraph C.1.
- (3) PR Notice 84-1, paragraph II.C. which refers to alternative disposal instructions for household products is superseded except for antimicrobial residential/household products.

Fax-on-Demand

Telephone: (202) 401-0527

Item No.: 6127

DRAFT OF 22 MAY 2000

Paragraph II.D. which refers to the approval process for disposal language is superseded as well, except for residential/household use antimicrobial products. The definition, based on size, of household products in that paragraph is also superseded.

(4) PR Notice 98-10, paragraph IV.J.a.: the parts of the statements allowed by notification which refer to wrapping the container in paper and discarding it in the trash are superseded. The remaining allowable statement, in accordance with PR Notice 94-2, would now be: "This container may be recycled in aerosol recycling centers. At present, there are only a few such centers in the country. Before offering for recycling, empty the can by using the product according to the label (DO NOT PUNCTURE!) If recycling is not available, place empty container in trash."

PR Notice 98-10, paragraph IV.J.b. is wholly superseded.

F. Enforcement and Compliance Considerations

The approach set forth in this document is not final Agency action, but is intended solely as guidance. The Notice itself does not impose binding obligations on either the registrants or EPA; however, EPA may find that a product not bearing the revised disposal instructions to be misbranded. As stated above, the Agency believes that the statements outlined in this notice should reduce the potential for adverse effects to human health and the environment.

V. FOR FURTHER INFORMATION

If you wish further information on this notice, you may contact Amy Breedlove, Field and External Affairs Division, Policy and Regulatory Services Branch, at 703-308-9069, or by e-mail to breedlove.amy@epa.gov.

Marcia E. Mulkey, Director
Office of Pesticide Programs